

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

MICHAEL ESSLINGER

Claimant

VS.

THE BOEING COMPANY

Respondent

AND

**INSURANCE COMPANY STATE OF
PENNSYLVANIA**

c/o AMERICAN INTERNATIONAL GROUP

Insurance Carrier

Docket No. 231,924

ORDER

Respondent appeals from the Award of Administrative Law Judge John D. Clark dated March 24, 1999. In the Award, the Administrative Law Judge granted claimant a 63.5 percent work disability, finding that claimant had proven accidental injury arising out of and in the course of his employment with respondent on the dates alleged and had provided notice in a timely fashion pursuant to K.S.A. 44-520. Oral argument was held September 10, 1999.

APPEARANCES

Claimant appeared by his attorney, Dale V. Slape of Wichita, Kansas. Respondent and its insurance carrier appeared by their attorney, Eric K. Kuhn of Wichita, Kansas. There were no other appearances.

RECORD AND STIPULATIONS

The record and stipulations set forth in the Award of the Administrative Law Judge are adopted for the purpose of this Award. In addition, the parties stipulate that the Hourly Employees Grievance Form filed with Labor Relations Board on March 10, 1998, is a part of the record and may be considered by the Board for the purpose of this Award.

ISSUES

- (1) What is the nature and extent of claimant's injury and/or disability?

- (2) Did claimant provide timely notice of accidental injury pursuant to K.S.A. 44-520?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire evidentiary record filed herein, including the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law:

The Appeals Board finds the Award of the Administrative Law Judge should be affirmed. The Appeals Board agrees with the Administrative Law Judge's analysis of the evidence as set forth in Award. Furthermore, the Appeals Board concludes the Award sets out findings of fact and conclusions of law that are both accurate and supported by the record, and it is not necessary to repeat those herein. Therefore, the Appeals Board adopts the Administrative Law Judge's findings and conclusions as its own as if specifically set forth herein.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge John D. Clark dated March 24, 1999, should be, and is hereby, affirmed in all respects.

IT IS SO ORDERED.

Dated this ____ day of September 1999.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Dale V. Slape, Wichita, KS
Eric K. Kuhn, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director